IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 7070 of 2001 (S/S)

1. Sanjeev Kumar
   S/o Sri Kashi Ram
2. Uday Singh Negi
   D/o Sri Ratan Singh
3. Prem Dutt Petwal
   S/o Sri Vishnu Dutt Petwal
4. Dayal Chandra Tiwari
   S/o Sri Manohar Dutt Tiwari
5. Kundan Singh Negi
   S/o Sri Nathi Singh

…….. Petitioners

Versus

1. Vice Chairman,
   Mussoorie Dehradun Development Authority,
   Pritam Road, Dehradun.
2. Mussoorie Dehradun Development Authority
   Through its Vice Chairman, Pritam Road,
   Dehradun.

……. Respondents

Mr. B.P.S. Mer, Advocate holding brief of Mr. M.C. Pant, Advocate for the petitioners.
Mr. S. Dhulia, Sr. Advocate assisted by Mr. Sanju Bhatt, Advocate for the respondents.

Hon'ble Prafulla C. Pant, J.

Learned counsel for the parties are present.

2) By means of this writ petition, the petitioners, who were engaged as Supervisors, Electrician, Mali, Peon, on daily wages by the respondent Mussoorie Dehradun Development Authority, have sought their regularization in service.

3) In view of the principle of law laid down in ***Secretary State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases page 01,*** that daily wage workers or the persons employed without undergoing regular selection process under the rules, should not be directed to be absorbed or regularized in the service, against the Constitutional Scheme of public employment, this Court is not inclined to issue direction to regularise services of the petitioner.

4) Therefore, the writ petition is dismissed with liberty to the petitioners to seek remedy, if any, available to them, under law. Interim order dated 06.12.2001, stands hereby, vacated. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: December 11, 2006
H.Negi